

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	CRIMINAL NO. 1:17-CR-00025-01
VERSUS	JUDGE DRELL
LEE ADAMS	MAGISTRATE JUDGE PEREZ-MONTES

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**MEMORANDUM ORDER**

Lee Adams (“Adams”) filed a Motion for Sentencing Transcript at Government Expense, requesting a transcript of his 2018 sentencing hearing. ECF No. 37. Adams contends he needs the transcript to file a “motion” and a § 2255 Motion to Vacate, Set Aside, or Correct Sentence.

The Court previously granted Adams’s motion, but did so based upon a misunderstanding. As such, the Court now revisits Adams’s motion.

To obtain a transcript at government expense, the movant must satisfy 28 U.S.C. § 753(f). *See Harvey v. Andrist*, 754 F.2d 569, 571 (5th Cir. 1985); *United States v. Davis*, 369 Fed. Appx. 546 (5th Cir. 2010); *United States v. Delgado*, 2012 WL 2952425, at \*2 (W.D. La. 2012). Section 753(f) “provides for a free transcript for indigent prisoners asserting a claim under § 2255 if a judge certifies that the asserted claim is not frivolous and that the transcript is needed to decide the issue.” *Davis*, 369 Fed. Appx. at 546–47 (citing *United States v. MacCollom*, 426 U.S. 317, 320–21, (1976)). The movant therefore must “bring to [the Court's] attention any facts that might require a close examination of the trial transcript” to demonstrate that the

transcript is necessary for the proper disposition of her claims. *See Davis*, 369 Fed. Appx. at 546–47 (citing *Harvey*, 754 F.2d at 571).

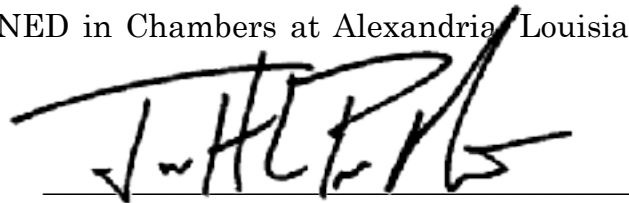
Here, Adams has failed to satisfy his burden under § 753(f) of demonstrating that any claim he may have is not frivolous or that the requested transcript is needed for the proper disposition of his claim. In fact, Adams has neither sought the requisite judicial certification nor set forth any particular issue he intends to raise in his § 2255 motion.

Instead, Adams appears to be improperly seeking a copy of his transcript in order to identify what claims may be available to him. A § 2255 movant is not entitled to a free transcript to conduct a “fishing expedition” to locate possible errors. *See United States v. Watson*, 61 Fed. Appx. 919, at \* 1 (5th Cir. 2003) (citing *Jackson v. Estelle*, 672 F.2d 505, 506 (5th Cir. 1982); *see also United States v. Carvajal*, 989 F.2d 170, 170 (5th Cir. 1993); *Delgado*, 2012 WL 2952425, at \*2.

Accordingly, the Court hereby VACATES its previous order (ECF No. 38) granting Adams’s Motion for Production of Sentencing Transcript at Government Expense (ECF No. 37).

Upon reconsideration, Adams’s Motion for Sentencing Transcript at Government Expense (ECF No. 37) is hereby DENIED.

THUS ORDERED AND SIGNED in Chambers at Alexandria Louisiana on this 11th day of March 2020.



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Joseph H.L. Perez-Montes  
United States Magistrate Judge